Message

From: Garcia, Beth [garcia.beth@epa.gov]
Sent: 5/4/2021 2:50:44 PM
To: Ozmen, Shamus [Ozmen.Shamus@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]
CC: Aunkst, Dana [aunkst.dana@epa.gov]; Driscoll, Stacie [Driscoll.Stacie@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; ONeill, Sandra [ONeill.Sandra@epa.gov]; Lara, Rhina [Lara.Rhina@epa.gov]
Subject: RE: Can you send us the full article

Shamus:

Thank you all this is helpful!

Sincerely,
Beth

From: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Sent: Tuesday, May 04, 2021 10:47 AM
To: Garcia, Beth <garcia.beth@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Aunkst, Dana <aunkst.dana@epa.gov>; Driscoll, Stacie <Driscoll.Stacie@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: Can you send us the full article

Hi Beth,

Cheryl approved sharing the responses:

1. **If states have stocks of Anvil 10+10 and/or Permanone 30-30 what should they do with those existing stock?**

To minimize risks to public health and the environment, EPA asked states with existing stock of Anvil 10+10 distributed in HDPE containers to discontinue use and contact the manufacturer about their product exchange program. EPA is currently reviewing the data from PEER on Permanone 30-30 and will provide information and guidance on next steps expeditiously.

2. **If states have HDPE containers that held either of those pesticides, how should they be disposed of?**

EPA has been in contact with the Ag Container Recycling Council. As more information becomes available, EPA will continue to work in collaboration with other federal entities to provide guidance to states and localities that may be affected by PFAS.

3. **Will EPA require registrants to take back either existing, unused product OR empty HDPE containers?**

EPA will respond to any additional PFAS supply-chain contamination issues on a case-by-case basis. For example, EPA worked with Clarke to remove contaminated product from the supply chain.

4. **When Ed Messina told me that the EPA's message is that PFAS shouldn't be in pesticides, was he referring only to the long-chain, known to be problematic compounds such as PFOA and PFOS and to GenX?**

Pesticides undergo a rigorous scientific assessment process prior to registration. EPA independently evaluates chemical-specific data to ensure that pesticides can be used safely and without unreasonable adverse effects to the environment when label directions are followed. In response to public interest in PFAS chemicals, the EPA Office of Pesticide Programs previously determined that there were no pesticide active or inert ingredients with structures similar to prominent PFAS such as PFOS, PFOA, and GenX. As further due diligence, we are now working with other offices in EPA (including the Office of Research and Development) to further evaluate structures by applying the latest working

definition from our sister office, the Office of Pollution Prevention and Toxics (OPPT), which manages the Toxic Substances Control Act (TSCA) program.

5. **Does EPA have any new data from its research on Anvil 10+10, Permanone, and/or the containers since I spoke to Ed and Kimberly almost exactly a month ago? Any new guidance to share that's not already on its website:** https://www.epa.gov/pesticides/pfas-packaging

EPA has obtained fluorinated containers from different manufacturers and vendors from open market. We are exploring numerous brands of containers by different manufacturers and from different vendors which may be fluorinated by various fluorination operators. Some of the containers from several vendors are still back-ordered.
EPA is also conducting tests in the laboratory to evaluate the leaching rates of PFAS from the inside walls of the fluorinated containers onto the products. These tests will provide information on how much and how fast the PFAS are leached into the solutions.

In addition, EPA is validating a method for detecting PFAS in an oily matrix and will share the method when it is available. After we have a working method, we plan to conduct leaching tests using surfactant solutions to simulate the formulated pesticide products in aqueous solutions. We will release these methods to the public following validation. As needed, EPA will be working with states and registrants to test additional pesticide products (e.g., Permanone) and the containers they are stored in for PFAS.

From: Garcia, Beth <garcia.beth@epa.gov>
Sent: Monday, May 3, 2021 6:01 PM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Aunkst, Dana <aunkst.dana@epa.gov>; Driscoll, Stacie <Driscoll.Stacie@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: FW: Can you send us the full article

Kimberly/Cheryl:

As a result of the Bloomberg article that came out on Friday, the MD Department of Agriculture (MDA) is getting lots of calls from the Bay Journal and other papers. It would be helpful if we could get a copy of the cleared answers EPA provided to Bloomberg to share with MDA as they want to be consistent with EPA's messaging.

I will not be on tomorrow's PFAS check-in call, but Region 3 will be represented by Dana Aunkst, LCRD Director or Stacie Driscoll, LCRD Deputy and will be interested in hearing the latest updates on the review of PEER's lab reports and getting the sample of Permanone from Bayer for testing purposes. Although MDA has not reached out to Bayer directly and have decided to use the Biomist product in the interim, they are still interested in hearing EPA's progress.

We appreciate your assistance!

Sincerely,
Beth

****

PFAS in Pesticides Problem Ensnares States, Small Businesses

By **Pat Rizzuto**
April 30, 2021, 3:15 PM

A decision by Maryland to switch mosquito sprays due to "forever chemicals" reveals choices that states and companies are quickly making as they and the EPA tackle a quandary: PFAS in pesticides.

Maryland's Department of Agriculture is pausing plans to use Bayer CropScience LP's Permanone 30-30 in its truck and plane spraying program, department spokesman Jason D. Schellhardt said Thursday. It will substitute Clarke's Biomist 30+30 as it awaits guidance from the Environmental Protection Agency, he said.

The EPA is investigating a discovery last month by the the advocacy group Public Employees for Environmental Responsibility. The group, known as PEER, found high concentrations of two per- and polyfluoroalkyl substances (PFAS) in Permanone 30-30, which Maryland has used.

The probe's launch followed the EPA's announcement in January that plastic packaging Clarke had used for another mosquito killer, Anvil 10+10, may be the source of PFAS that PEER discovered in that product last year.

Since Jan. 1, Biomist 30+30 and Anvil 10+10 have been put in new types of containers that should not be a source of PFAS, Clarke Vice President Karen J. Larson told Bloomberg Law.

Changing the pesticides' packaging, waiting for the EPA's review, and taking other voluntary actions to prevent PFAS contamination is costing Clarke—a third-generation, family-owned company based in Illinois—millions of dollars, Larson said.

"It's part of our culture to make those kinds of hard-but-right decisions," Larson said. "But this has been something unprecedented in our 75 years in business."

Questions for EPA

Bayer said it's working with the EPA on the mystery of how PFAS—which the agency says are not in any approved pesticide—got into its product. This work includes examining the lids and other components of the containers in which Permanone 30-30 is placed, Bayer spokeswoman Susan Luke said.

Pesticide makers, along with state and local regulators, have myriad questions for the EPA. They want to know what extent of suspected PFAS-contaminated containers also hold food and other goods; how to dispose or recycle contaminated pesticides and containers; whether states or pesticide manufacturers will be responsible for contaminated products; and what risk is posed by exposure combined with many others ways people inhale, ingest, or touch PFAS.

“There are a lot of other ways PFAS can end up in the environment,” said Amy Sullivan, executive secretary for two related groups of state pesticide control officials. PFAS can get into plants, wildlife, and people’s bodies through industrial air emissions, water releases, and the disposal of the chemicals or products made with them.

The EPA is working to answer questions and offer guidance as quickly as possible, Kimberly Nesci, a division director in the EPA’s Office of Pesticide Program, told state pesticide officials earlier this month. The agency also recognizes that mosquito treatments protect people from diseases like Zika, she said.

High-Density Polyethylene

The agency’s hypothesis is that PFAS are generated when plastic high-density polyethylene (HDPE) containers are treated with fluorine gas, Nesci told Bloomberg Law. Small molecules on the container’s surface may produce PFAS after the plastic is treated, she said.

Since EPA confirmed that fluorinated HDPE containers could release PFAS, Clarke has worked with more than 450 customers to exchange fluorinated HDPE containers containing Anvil 10+10 with non-fluorinated containers, Larson said. Fluorination prevents pesticides from breaking down or getting rancid and makes the plastic stronger protecting shipments, according to the pesticide trade group Responsible Industry for a Sound Environment.

The EPA is working with other agencies to get details on other uses of fluorinated HDPE containers, Nesci said. The Food and Drug Administration is seeking market information on the extent to which fluorinated HDPE containers are used for food, that agency said by email.

Meanwhile, Clarke plans to transition all of its packaging to an alternative plastic that doesn’t require fluorination, Larson said.

“At the end of the day, this is a packaging issue, not a pesticide issue,” she said.

To contact the reporter on this story: Pat Rizzuto in Washington at prizzuto@bloombergindustry.com

To contact the editor responsible for this story: Rebecca Baker at rbaker@bloombergindustry.com